

**A RESOLUTION**

04-*2*-1035

**BY FINANCE/EXECUTIVE COMMITTEE**

**A RESOLUTION AUTHORIZING THE MAYOR OR HER DESIGNEE TO EXECUTE CHANGE ORDER NO. 3 FOR CONTRACT NO. FC-7490-02; NORTH AND SOUTH TERMINAL CEILING REPLACEMENT, WITH NEW SOUTH CONSTRUCTION, ON BEHALF OF THE CITY AND ITS DEPARTMENT OF AVIATION, IN AN AMOUNT NOT TO EXCEED ONE HUNDRED TWENTY EIGHT THOUSAND EIGHT HUNDRED SEVENTY ONE DOLLARS (\$128,871.00), TO BE CHARGED TO AND PAID FROM FUND, ACCOUNT, AND CENTER NUMBER 2H27 574001 R21E010693CG (2000 AIRPORT REVENUE BOND FUND).**

**WHEREAS**, the City of Atlanta (the "City") and New South Construction ("New South") entered into Contract No. FC-7490-02; North and South Terminal Ceiling Replacement ("Contract"), at Hartsfield-Jackson Atlanta International Airport, dated April 16, 2003; and

**WHEREAS**, during the prosecution of the work, New South filed with the City several Change Proposals to the Contract contending, among other things, that it was due additional compensation for lost labor time, premium time, lost efficiency, and extended shutdowns; and

**WHEREAS**, New South's original Change Proposals sought \$651,000 in additional compensation; and

**WHEREAS**, the City did examine the merit of and negotiate with New South regarding the Change Proposals; and

**WHEREAS**, on or about April 9, 2004 the City and New South reached agreement on a settlement of all outstanding claims concerning the Change Proposals, necessitating the execution of a Change Order No. 3 to the Contract; and

**WHEREAS**, the City previously executed Change Order No. 1 authorizing a 27 day time extension to the Contract on October 29, 2003; and

**WHEREAS**, the City previously executed Change Order No. 2 authorizing additional compensation of \$100,000 and a 135 day time extension on February 27, 2004; and

**WHEREAS**, the Aviation General Manager, the Chief Procurement Officer and the City Attorney believe it is desirable and in the best interests of the City to document this global settlement of the Change Proposals with New South in the form of a Change Order No. 3 to the Contract for an amount not to exceed \$128,871.00.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA**, that the Mayor or her designee is authorized to execute Change Order No. 3 to the Contract with New South, on behalf of the City and its Department of Aviation, for a total amount not to exceed \$128,871.00.

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**BE IT FURTHER RESOLVED**, that Change Order No. 3 will be charged to and paid for from Fund, Account, and Center Number: 2H27 574001 R21E010693CG (2000 Airport Revenue Bond Fund).

**BE IT FINALLY RESOLVED**, that Change Order No. 3 will not become binding on the City and the City will incur no liability under it until it has been executed by New South and the Mayor, attested to by the Municipal Clerk, approved by the City Attorney as to form and delivered to New South.

Girard,

Attached is legislation that needs to be submitted to the Mayor's office today for 6/21 Council approval.

The legislation is change order No. 3 for New South Construction, on behalf of their electrical contractor Uptime Electric, filed numerous Change Proposals for work accomplished under FC-7490-02 North & South Terminal Ceiling Replacement. The Change Proposals alleged lost labor time claims, premium time claims, lost efficiency claims, extended shutdown claims, as well as additional work accomplished not in the original contract scope. In total the Change Proposals requested in excess of \$651,000 in increased compensation. The City's project manager and construction manager evaluated the merit of the claims and negotiated with Uptime Electric and New South to reach a negotiated settlement of all claims resulting in a final settlement agreement which is memorialized by this Change Order # 3.

Thanks

Anita

A handwritten signature in cursive script, appearing to read "Anita", written in black ink.

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CITY OF ATLANTA  
DEPT. OF PROCUREMENT